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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,429	03/09/2004	J. Terry Riebling	JTRZ 2 00001-3-2	1872
7590	12/15/2004		EXAMINER	
Patrick D. Floyd FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP 7th Floor 1100 Superior Avenue Cleveland, OH 44114-2518			THOMSON, MICHELLE R	
			ART UNIT	PAPER NUMBER
			3641	
DATE MAILED: 12/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/796,429	RIEBLING ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michelle (Shelley) Thomson	3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 March 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/9/04.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Dick (US Patent # 5,720,193). Dick discloses a firearm safety device for a firearm having a frame, a trigger and a trigger guard, said firearm safety device comprising: a first assembly (reference 1R) for mounting to a first side of the trigger guard to prevent access to the trigger; a second assembly (reference 1F) for mounting to a second side of the trigger guard opposite said first side and having the ability to be secured to said first assembly to prevent access to the trigger; and a lip (reference 26) disposed about the periphery of one of said first and second assemblies for overlapping the other of said first and second assemblies when said first and second assemblies are secured together (Figures 1, 2 and 9). Wherein said lip is disposed about the periphery of said first assembly (Figure 2). Wherein said lip extends around portions of said first assembly periphery not abutting the firearm when said first assembly is secured to the firearm (Figure 1). Further comprising a second lip (reference 71) extending around a portion of the periphery of said second assembly for overlapping said first assembly when said first and second assemblies are secured together (Figures 1 and 49). Wherein said lip extends around a portion of the periphery of said second assembly (Figure 2). Wherein said lip extends around portions of said first assembly periphery not abutting the firearm when said first assembly is

secured to the firearm (Figure 1). Further comprising: a lock for locking said first and second assemblies together on the firearm (references 2L and 2U). Wherein said first assembly and said second assembly each include a plurality of apertures for receiving pins (references 24 and 29). Further including a pin (references 79 and 80) having a first end having the ability to be received in one of said plurality of apertures in said first assembly and a second end having the ability to be received in one of said plurality of apertures in said second assembly, said pin extending between said first and second assemblies when said first and second assemblies are joined together (Figure 5).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brauer (US Patent # 6,655,067), Upton (US Patent # 5,153,360), Neal (US Patent # 5,768,819), and Carlson (US Patent # 5,778,586).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Thomson whose telephone number is 703.306.4176. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703.306.4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3641

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mrt

*M.T. Henderson*